IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.531 OF 2005
IN
SUMMARY SUIT NO.1437 OF 2005

Balmar Lawrie-Van Leer Ltd. ..Plaintiffs.

Vs.

M/s.K.C.Industries & Ors. ..Defendants.

Mr.Nitin Watkar with Ms.Madhalika Shukla i/b.M/s.Singhania & Co. for the Plaintiffs.

Mr.Ajay Sethi i/b.P.Parshurampuria for Defendant Nos.1 and 2.

CORAM : S.J. VAZIFDAR, J.
DATED : 13TH DECEMBER, 2005

P.C. :

The suit is filed to recover the price of goods sold and delivered by the Plaintiffs to the Defendants. The goods were sold and delivered as per the terms and conditions contained in the suit invoice. The invoice specified rate of interest at 24% per annum.

2. There was no reply to several notices demanding payment. The only defence is that the goods were reported by the Defendant’s customers to be defective. There is no evidence in this regard.

3. It is pertinent to note that it is not even the Defendant’s case that their customers in turn rejected the goods. Nor is it Defendant’s case that they offered to return the goods to the Plaintiffs.

4. In the circumstances, there is no defence to the suit. The Summons for Judgment is therefore made absolute and the suit is decreed as prayed. Interest after the date of filing of the suit shall be at 12% per annum.

Refund as per rules.